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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,359	10/07/2003	Ming-Che Chang	BHT-3110-164	3868

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TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE, SUITE 1404
FALLS CHURCH, VA 22041

EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,359

Applicant(s)

CHANG, MING-CHE

Examiner

Jeff H. Aftergut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 6, the claim recites "the same side" that the loose ends are disposed, however there is no antecedent basis for the same. It is suggested that "the" be changed to --a--. In claim 1, line 7, the claim recites "the other side" which again lacks proper antecedent basis as no other side has been previously defined. It is suggested that "the" be changed to --an--.

In claim 2, lines 3-5, the claim recites "a woven ribbon unit consisting of woven sections interwoven with plastic cords and threads of desired material, wherein each woven section has cut loose ends on one side and tassel segments on the other side". However claim 2 is an apparatus claim for weaving decorative ribbon using plastic cords. It would appear that the language presented on lines 3-5 of the claim identified above relates solely to a woven material formation and NOT a device used to make the unit assembly. If applicant intends for the language to be part of the apparatus, it is believed that the device claim should include a weaving means for forming the specified assembly rather than merely defining the specific woven ribbon unit. The claim is not clear and concise as to whether it is a combination of the material worked upon and the device which acts upon the woven assembly or whether the claim is merely an

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apparatus which includes a means for making the specific woven ribbon unit. It is suggested as the preamble defines an apparatus that the applicant amend lines 3-5 of claim 2 to recite that there is a weaving arrangement which forms the specified woven ribbon unit rather than merely defining the material worked upon in the claim. It should be noted that on line 5 of claim 2, the language "the other side" lacks proper antecedent basis as no other side has been previously defined. It is suggested that "the" be changed to --an--.

In claims 3-6, the preamble of the claims each recites "A method and an apparatus for weaving decorative ribbons using plastic cords as claimed in claim 1". This is inappropriate as claim 1 is a method for weaving the decorative ribbon using plastic cords and as such the preamble of all of these dependent claims cannot recite the method and apparatus of claim 1 as claim 1 does not include an apparatus therein. One cannot claim both statutory classes of invention in the preamble of the claim (i.e. it would appear not only confusing but could be interpreted as non-statutory subject matter as one cannot ascertain which statutory class of invention these claims pertain to). It is suggested that the preamble of each claim be changed to --A method for weaving decorative ribbons using plastic cords as claimed in claim 1--.

In claim 4, the claims recite that the woven plastic ribbon units "may be stacked or lined up". This does not positively recite a step of stacking or lining up the woven ribbon units. Additionally, the claim appears to be reciting the formation of a straw umbrella like structure, however, claim 1 from which it depends is only concerned with the formation of the decorative ribbon assembly and not the use of the same to make

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another article of manufacture. If applicant desires to claim a method of making a straw like umbrella structure, it is suggested that the claim be amended to recite in the preamble a method for making a straw like umbrella structure comprising forming the decorative ribbons (including the steps recited in claim 1) followed by the steps of stacking or lining up the ribbon units on an umbrella fabric and sewing the same onto the fabric to form the umbrella like structure. Additionally, on line 3 of claim 4, the language "may be stacked or lined up" appears which is not a positive recitation of any requirement in the claim (i.e. it does not positively recite the step of stacking or lining up). In claim 4, line 3, "the umbrella fabric " lacks proper antecedent basis as no umbrella fabric has been previously defined. It is suggested that "the" be changed to --an--.

In claim 5, again, the claim does not clearly recite any positive method steps that further define the invention as the claim states that the ribbon units "may be used in all kinds of ...". This does not require any manipulative step for using the material. It is suggested that the claim recite in a more positive sense that the ribbons were used in a decorative article and what steps were performed in making the same.

In claim 6, line 3, the language "may be cut" appears which again does not positively recite a step of cutting the ribbon to a desired length. It is suggested that the language "may be" on line 3 be changed to --is--. Additionally, on line 3 of claim 6 the language "the desired width" lacks proper antecedent basis as no desired width has been previously defined. It is suggested that "the" be changed to --a--.

In claims 7-10, the preamble of the claims each recites "A method and an apparatus for weaving decorative ribbons using plastic cords as claimed in claim 2". This is inappropriate as claim 2 is an apparatus for weaving the decorative ribbon using plastic cords and as such the preamble of all of these dependent claims cannot recite the method and apparatus of claim 2 as claim 2 does not include a method therein. One cannot claim both statutory classes of invention in the preamble of the claim (i.e. it would appear not only confusing but could be interpreted as non-statutory subject matter as one cannot ascertain which statutory class of invention these claims pertain to). It is suggested that the preamble of each claim be changed to --An apparatus for weaving decorative ribbons using plastic cords as claimed in claim 2--.

In claim 8, applicant is advised that the claiming of an umbrella fabric and the formation of a straw umbrella like structure does not further limit the apparatus for weaving the decorative ribbon units. It is not clear what components to the apparatus are added by the claim. Additionally, the claim does not positively recite that the units included a means for stacking or lining up the same as the system claim states that they "may be" stacked or lined up. As noted above with reference to claim 4 this is not positive claim language. On line 3 of the claim the language "the umbrella fabric" lacks proper antecedent basis. It is suggested that "the" be changed to --an--.

In claim 9, it is not seen how the intended use of the woven section for specific articles of manufacture (like a purse) further defined the apparatus used to make the ribbon unit. Clarification is required in order to make it so that it can be discerned how this claim further limits the earlier presented apparatus claim.

In claim 10, lines 2-3, the claims states that the woven plastic ribbon unit "may be cut", however this is not clear and concise as to provision of a cutting mechanism in the apparatus for requiring that the apparatus includes a means for cutting the ribbon. As such, not only does not claim not positively recite a cutting operation but also as presented the claim does not require one to incorporate a cutting device as part of the apparatus. Clarification is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Morel.

Morel taught that it was known to fuse the ends of a woven plastic fabric material with the use of gas burners 30 disposed along the longitudinal edges of the fabric X subsequent to the cutting of the fabric wherein the fibers of the fabric are fused and become fray resistant. It should be noted that the specific fabric unit as claimed in claim 2 is not part of the apparatus as recited nor is the device used to weave the same. Claim 2 as presented merely requires an apparatus which will fuse the edges of the fabric. The applicant is advised that one skilled in the art would have associated the burners with the cut edges of the fabrics in order to prevent fraying at the edge of the fabric.

With respect to claim 7, note that the reference taught the use of disposing the gas flames along the edges and suggested the use of two such devices. Regarding claim 8, it is not seen how the umbrella fabric and the possible processing as defined (i.e. stacking and lining up the ribbon and sewing the same to the umbrella fabric) further limits the recited apparatus (i.e. what components of the apparatus are added with this claim). Regarding claim 9, note that the intended use of the material is immaterial to the apparatus claim and how one uses the same does not add any material limitations which required any additional components to the apparatus other than that previously noted by Morel. Regarding claim 10, note that the reference to Morel suggested a cutting mechanism for the fabric which was used to cut the fabric prior to the treatment with the flames. Additionally, the claim is not clear as to whether a cutting means is necessary in the claim or not.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Fletcher, Pearlman, Tilton, Fischer et al or Habib further taken with Morel.

The references to any one of Fletcher, Pearlman, Tilton, Fischer et al or Habib suggested that it was known per se in the art to weave a fabric wherein the woven

structure included plastic fibers and wherein the same included a tassel or fringe exposed side. The references teach the weaving of the same as well as the severing of the same subsequent to the weaving operation. they are silent as to the blocking of a cut and severed edge of the fabric in order to prevent fraying of the same wherein the blocking takes place via exposure to a flame treatment of the same.

The reference to Morel as discussed in greater detail above in paragraph 4 suggested that it was known at the time the invention was made to incorporate plastic fibers in a woven construction and to subject the edges of the same which were not intended to be fringed or frayed to a treatment whereby the plastic fibers were melted in order to seal the edge and prevent the same from fraying and coming apart. It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the fringed articles of woven material of any one of Fletcher, Pearlman, Tilton, Fischer et al or Habib and apply a heat treatment to the edge which was not intended to be fringed as suggested by Morel as such a treatment would have ensured that the fibers at the sealed edge would not fray.

7. Claims 4, 5, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 6 further taken with the applicant's admitted prior art.

While the prior art of record suggested that those skilled in the art would have known how to prevent the fraying along the cut edge of a fringed fabric, the combination failed to teach that one skilled in the art would have utilized the same in the manufacture of an umbrella or other article of manufacture wherein one stitched

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together the fringed ribbon to an umbrella fabric. However, the applicant in the admitted prior art admitted that it was known to attach a stack of the so formed ribbons (without the fray prevention along the cut and unfringed edge) to an umbrella fabric in the formation of a straw like umbrella assembly. As such, it would have been within the purview of the ordinary artisan to employ the above noted decorative assemblies in the manufacture of a straw-like umbrella assembly as the method of forming the straw like umbrella assembly was known at the time the invention was made. It would have been obvious to one of ordinary skill in the art to take the fringe ribbon assemblies of the references as set forth above in paragraph 6 and employ the same in the manufacture of a straw-like umbrella assembly.

It should be noted that the decorative items referred to in claim 5 and 9 do not exclude the formation of a straw-like umbrella assembly for the decorative item, however in any event it would have been obvious to utilize the assemblies in other decorative items such as a scarf or a purse or shawl.

Conclusion

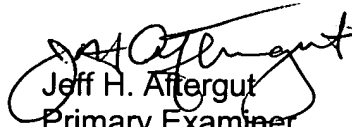
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference to Dreyfus suggested that one skilled in the art would have applied a flame to the edge of a fabric material in the manufacture of a fabric in order to prevent fraying at the edge of the same via a melting of plastic in the fabric along the edge due to flame exposure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
January 12, 2006